

REGULAR MEETING  
September 8, 2003

The Regular Meeting of the Annapolis City Council was held on September 8, 2003 in the Council Chamber. Mayor Moyer called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Moyer, Aldermen Hammond, Tolliver, Kelley, Cordle, Fox, Cohen, Alderwomen Hoyle, Carter

Staff Present: City Attorney Spencer

Awards and Presentations

- C Mayor Moyer presented a Glittering Gems of Annapolis Award to Gus Leonos.
- C Alderman Tolliver moved to approve the Journal of Proceedings for July 14, 2003 and July 28, 2003. Seconded. CARRIED on voice vote.
- C Alderman Tolliver moved to amend the agenda to allow for R-23-03 on first reading. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

Spoke against R-38-02

- Michael Calo, 124 Prince George Street, #7, Annapolis, Maryland 21401
- Patricia L. Herban, 55 East Street, Annapolis, Maryland 21401
- Carl Larkin, 154 Prince George Street, Annapolis, Maryland 21401
- Tom Corboy, 16 Spa View Circle, Annapolis, Maryland 21401
- Doug Burkhart, 125 Monticello Avenue, Annapolis, Maryland 21401
- Bryan Miller, 114 Market Street, Annapolis, Maryland 21401
- Greg Stiverson, representing Historic Annapolis Foundation, 18 Pinkney Street, Annapolis, Maryland 21401
- Michael Dye, 1315 Hawkins Lane, Annapolis, Maryland 21401
- Allen Furth, 3 King Charles Place, Annapolis, Maryland 21401
- Richard Jedlicka, 5 Maryland Avenue, Annapolis, Maryland 21401
- Tona Evans, 3 Constitution Square, Annapolis, Maryland 21401
- Dick Shakeshaft, 99 Charles Street, Annapolis, Maryland 21401
- Laurie Sullivan, 25 Wagner Street, Annapolis, Maryland 21401
- Clifford Myers, 8 Acton Place, Annapolis, Maryland 21401
- Dan Mitchum, 233 Prince George Street, Annapolis, Maryland 21401
- Laura Townsend, 1107 Cedar Ridge Court, Annapolis, Maryland 21403
- Michael Phillips, 211B King George Street, Annapolis, Maryland
- John Sherwood, John Sherwood, 51 Southgate Avenue, Annapolis, Maryland 21401
- Minor Carter, 39 Southgate Avenue, Annapolis, Maryland 21401
- Henry Franklin, 33 East Street, Annapolis, Maryland 21401
- Tom Davies, 16 College Avenue, Annapolis, Maryland 21401
- Arthur Greenbaum, 7 Constitution Square, Annapolis, Maryland 21401

LEGISLATIVE ACTION

ORDINANCES

- O-11-03 For the purpose of amending the Class A-1.b and A-2.b, off sale package goods plus beer and wine tasting, Alcoholic Beverage License for Package Goods Retail Stores to include liquor; and matters generally relating to said licenses.**

Alderman Tolliver moved to adopt O-11-03 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-11-03.

The main motion CARRIED on voice vote.

Alderman Fox moved to adopt O-11-03 amended on third reading. Seconded. CARRIED on voice vote.

**O-14-03 For the purpose of approving the lease of certain city owned property to Southwestern Bell Mobile Systems, LLC, (d/b/a) Cingular Wireless; and all matters relating to said lease. Cingular Lease.**

Alderman Hammond moved to adopt O-14-03 on second reading. Seconded.

The Finance Committee reported favorably on O-14-03.

The main motion CARRIED on voice vote.

Alderman Hammond moved to adopt O-14-03 amended on third reading. Seconded. CARRIED on voice vote.

**O-18-03 For the purpose of revising and transferring certain duties of the planning and zoning department and the department of public works; establishing a department of neighborhood and environmental programs; and all matters relating to said departments.**

Alderman Tolliver moved to withdraw O-18-03.

Seconded. CARRIED on voice vote.

C Alderman Tolliver moved to amend the agenda to allow for O-26-03 on first reading. Seconded. CARRIED on voice vote.

**O-26-03 For the purpose of creating a Department of Neighborhood and Environmental Programs ("Department"), creating the position of Director of Neighborhood and Environmental Programs ("Director"), assigning certain duties and granting certain authority to the Department and to the Director, reassigning to the Department and to the Director certain duties and certain authority currently assigned to the City Clerk, and/or the departments and/or directors of Public Works and/or Planning and Zoning, reassigning other duties to the departments and/or directors of Public Works and Planning and Zoning, recodifying with certain revisions existing provisions related to the Environment Commission, clarifying certain provisions relating to the said departments, directors and the City Clerk and the Environmental Commission and all matters related to the creation of the Department of Neighborhood and Environmental Programs and the position of Director of Neighborhood and Environmental Programs.**

Alderman Tolliver moved to adopt O-26-03 on first reading. Seconded. CARRIED on voice vote.

**O-21-03 For the purpose of providing written consent by the City of Annapolis to the proposed lease by the City of Annapolis to Guavas LLC; and matters generally relating to said lease.**

Alderman Hammond moved to withdraw O-21-03. Seconded. CARRIED on voice vote.

**O-24-03      For the purpose of removing home improvement contractor from 17.12.053B, which is in violation of the State Code.**

Alderman Tolliver moved to adopt O-24-03 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee

**O-25-03      For the purpose of specifying the failure to pass a random drug test constitutes the basis for revoking a licensed taxicab driver's permit.**

Alderman Hammond moved to adopt O-25-03 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee and **Public Safety Committee**

**O-27-03      For the purpose of amending the requirements concerning the mandatory designation of a candidate's party affiliation on the City ballot to be consistent with State law that requires that if a candidate's party affiliation is not recognized by the State, then the candidate's party affiliation must be stated as "Unaffiliated."**

Alderman Cohen moved to adopt O-27-03 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and the **Board of Supervisors of Elections**

**O-28-03      For the purpose of clarifying that the Stormwater Utility Fund must be established and that the funds deposited into the Fund shall only be used for the purposes specified in the City Code; and matters generally relating to said Stormwater Utility Fund.**

Alderman Hammond moved to adopt O-28-03 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee and **Finance Committee**

**O-29-03      For the purpose of amending the special residential parking district No. 1 to include all of the new street of Bloomsbury Square; and matters generally relating to said parking district.**

Alderman Hammond moved to adopt O-29-03 on first reading. Seconded. CARRIED on voice vote.

Referred to Public Safety Committee

**O-30-03      For the purpose of establishing a new low density housing zoning classification of RLD-1 that limits housing to not more than one single-family residence per one acre; and matters generally relating to said zoning classification.**

Alderwoman Carter moved to adopt O-30-03 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and the Planning Commission

**O-31-03      For the purpose of establishing a new low density housing zoning**

**classification of RLD-2 that limits housing to not more than one single-family residence per two acres; and matters generally relating to said zoning classification.**

Alderman Hammond moved to adopt O-31-03 on first reading. Seconded.  
CARRIED on voice vote.

Referred to Rules and City Government Committee and the Planning Commission

**O-32-03 For the purpose of establishing a new low density housing zoning classification of RLD-5 that limits housing to not more than one single-family residence per five acres; and matters generally relating to said zoning classification.**

Alderman Hammond moved to adopt O-32-03 on first reading. Seconded.  
CARRIED on voice vote.

Referred to Rules and City Government Committee and the Planning Commission

#### RESOLUTIONS

**R-38-02 For the purpose of amending the Ward One Sector Study to allow brew pubs, in conjunction with a new or existing restaurant, to remain open after midnight, until 2 a.m.**

Alderman Fox moved to adopt R-38-02 on second reading. Seconded.

The Planning Commission reported unfavorably on R-38-02.

A ROLL CALL vote was taken on the main motion:

YEAS: Aldermen Kelley, Fox, Alderwomen Hoyle, Carter  
NAYS: Mayor Moyer, Aldermen Hammond, Tolliver, Cordle, Cohen  
DEFEATED: 5-4

**R-12-03 For the purpose of amending the fee schedule pursuant to the adoption of the current expense budget for the City of Annapolis for the fiscal year 2003-2004, beginning July 1, 2003 and ending June 30, 2004; and all matters relating to said fee schedule.**

Alderman Cohen moved to adopt R-12-03 on second reading. Seconded.

Alderman Tolliver moved the Finance Committee amendments to R-12-03 as follows:

#### **No. 1**

On Section 17.12.052, line 29

*strike*; \$0.1% of the total cost

*add*, \$50 plus .1% of the total cost

---

#### **No. 2**

On Section 17.12.056, line 8

*strike*; \$10,000

*add*, \$15,000

---

**No. 3**

On Section 17.12.056, line 9

*strike*; \$10,001

*add*, \$15,001

---

**No. 4**

On Page Section 17.22.030, line 5

*strike*; \$50.00

*add*, \$150

Seconded. CARRIED on voice vote.

Alderman Hammond moved to adopt R-12-03 Amended on second reading.  
Seconded. CARRIED on voice vote.

**R-18-03      For the purpose of supporting the 2003-2004 Annapolis Fire Department Strategic Plan; and all matters relating to said plan.**

Alderman Hammond moved to adopt R-18-03 on first reading.    Seconded.  
CARRIED on voice vote.

Alderman Cordle moved to suspend the rules to allow passage of the resolution at the meeting of its introduction.    Seconded. CARRIED on voice vote.

Alderman Tolliver moved to adopt R-18-03 on second reading.    Seconded.  
CARRIED on voice vote.

**R-19-03      For the purpose of waiving the fees for City services to be provided in connection with the Maryland Avenue Annual Street Festival to be held on September 13, 2003; and all matters relating to said waiver of fees.**

Alderman Hammond moved to adopt R-19-03 on first reading.    Seconded.  
CARRIED on voice vote.

Alderman Hammond moved to suspend the rules to allow passage of the resolution at the meeting of its introduction.    Seconded. CARRIED on voice vote.

Alderman Hammond moved to adopt R-19-03 on second reading.    Seconded.  
CARRIED on voice vote.

**R-22-03      For the purpose of approving the job descriptions for the civil service positions in the newly created Department of Neighborhood and Environmental Programs, in the Department of Finance/Management Information Technology for a Management Information Technology Engineer, in the Department of Planning and Zoning for a Comprehensive Planner, and in the Department of Police for the Police**

**Communications Operators; and all matters relating to said job descriptions, pay grades and reclassification.**

Alderman Hammond moved to adopt R-22-03 on first reading. Seconded. CARRIED on voice vote.

**R-24-03 For the purpose of authorizing a water service agreement providing for the extension of City water service to certain property located in Anne Arundel County, outside the boundaries of the City of Annapolis; and matters generally relating to said water service agreement.**

Alderman Hammond moved to adopt R-24-03 on first reading. Seconded. CARRIED on voice vote.

**Referred to Finance Committee**

**R-23-03 For the purpose of stating the City's support for participation by interested Annapolis communities in the State's mosquito spray and management programs.**

Alderman Tolliver moved to adopt R-23-03 on first reading. Seconded. CARRIED on voice vote.

Sigma Annexation

**R-5-03 For the purpose of annexing into the boundaries of the City of Annapolis certain property fronting on Bywater Road and Woods Road, contiguous to the existing boundary of the City of Annapolis.**

Alderman Cohen moved to adopt R-5-03 on second reading. Seconded. CARRIED on voice vote.

**O-10-03 For the purpose of establishing a zoning classification of R1-A, Single-Family Residence District and a critical area classification of RC, Resource Conservation Area, for the property fronting Bywater Road and Woods Road, contiguous to the existing boundary of the City of Annapolis; and all matters relating to said zoning map amendment.**

Alderman Fox moved to adopt O-10-03 on second reading. Seconded.

The Planning Commission reported favorably with conditions on O-10-03.

Alderman Cohen moved to postpone O-10-03 until November 24, 2003. Seconded.

A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tolliver, Cohen, Alderwoman Hoyle  
NAYS: Mayor Moyer, Aldermen Kelley, Cordle, Fox, Alderwoman Carter  
DEFEATED: 5-4

A ROLL CALL vote was taken on the main motion:

YEAS: Mayor Moyer, Aldermen Hammond, Tolliver, Kelley, Cordle, Fox, Alderwomen Hoyle, Carter  
NAYS: Alderman Cohen  
CARRIED: 8-1

Alderman Hammond moved to adopt O-10-03 on third reading. Seconded.

CARRIED on voice vote.

#### BUSINESS AND MISCELLANEOUS

1. Ratification of Collective Bargaining Agreements

- a. United Food and Commercial Workers Union, Local 400
- b. Annapolis Clerical & Technical Employees, Local 3162
- c. Annapolis Trades, Maintenance & Labor Force Employees, Local 3406

Alderman Fox moved to ratify the following Collective Bargaining Agreements:

- a. United Food and Commercial Workers Union, Local 400
- b. Annapolis Clerical & Technical Employees, Local 3162
- c. Annapolis Trades, Maintenance & Labor Force Employees, Local 3406

Seconded. CARRIED on voice vote.

2. Civil Service Board Recommendations dated August 18, 2003

Alderman Tolliver moved to receive the Civil Service Board Recommendations, excluding Chief of Comprehensive Planning, dated August 18, 2003. Seconded. CARRIED on voice vote.

3. Finance Committee Meeting Recommendations dated August 26, 2003

Alderman Cohen moved to accept the Finance Committee Recommendations dated August 26, 2003. Seconded. CARRIED on voice vote.

4. Payment of Monthly Bills

Alderman Tolliver moved to pay the monthly bills. Seconded. CARRIED on voice vote.

5. Appointments

Alderman Cohen moved to approve the Mayor's (re)appointments of the following individuals:

8/7/03 Transportation Advisory Board	Brady Scott Schildknecht
8/7/03 Port Wardens	Thomas DeKornfeld
8/7/03 Port Wardens	Lawrence W. Littig
8/7/03 Port Wardens	Gene Edwin Godley
8/20/03 Human Relations Commission	Patience A Schenck
9/2/03 Maritime Advisory Board	Richard O. Franke
9/2/03 Maritime Advisory Board	William H. Woodward Jr.
9/2/03 Public Safety Disability Retirement Board	Victory A. DeLeon III
9/2/03 Public Safety Disability Retirement Board	Andrew B. Greenspan
9/2/03 Planning Commission	Wilford Scott
9/3/03 Transportation Advisory Board	Rose Z. Thorman

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:17p.m.

Deborah Heinbuch, CMC/A AE  
City Clerk